

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CALYPSO WIRELESS, INC., §
DRAGO DAIC, and §
JIMMY WILLIAMSON, P.C. §

Plaintiffs,

v.

T-MOBILE USA, INC.

Defendant.

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Case No. 2:12-CV-00667-JRG-RSP

Jury Demanded

STIPULATION OF DISMISSAL

Calypso Wireless, Inc., Drago Daic and Jimmy Williamson, P.C., Plaintiffs, and Defendant, T-Mobile USA, Inc. (“T-Mobile”), hereby stipulate and agree that (1) this cause shall be dismissed, without prejudice, each party to bear its own costs, if any; and (2) in the event future litigation is initiated by Plaintiff(s) against T-Mobile regarding the patent-in-suit (U.S. Patent No. 6,680,923) (“the ‘923 Patent”), jurisdiction and venue in any such future litigation will only and exclusively be proper in the U.S. District Court for the Eastern District of Texas.

T-Mobile agrees not to file any action seeking a declaratory judgment concerning the ‘923 patent before at least the 30th day following (1) any judgment becoming final and non-appealable in the matter of *Calypso Wireless, Inc., et al v. T-Mobile USA, Inc.*; Case No. 2:08-cv-441, in the U.S. District Court for the Eastern District of Texas, Marshall Division (hereinafter the “Earlier Action”), or (2) the issuance of any final appellate mandate or judgment for affirmance, reversal or other disposition of the order for summary judgment entered in the Earlier Action on or about February 25, 2013 (or

any Final Judgment subsequently entered on that order for summary judgment.) In the event future litigation regarding the '923 Patent is initiated by T-Mobile against Plaintiff(s) other than as agreed in this paragraph, jurisdiction and venue in any such future litigation will only and exclusively be proper in the U.S. District Court for the Eastern District of Texas.

Plaintiff(s) will not initiate any future litigation against T-Mobile regarding the '923 Patent and the T-Mobile products and services accused by Plaintiff(s) of infringement in this action, as configured, operated or performed at or before the date this action was filed, except within 30 days of (1) any judgment becoming final and non-appealable in the Earlier Action, or (2) the issuance of any final appellate mandate or judgment for affirmance, reversal or other disposition of the order for summary judgment entered in the Earlier Action on or about February 25, 2013 (or any Final Judgment subsequently entered on that order for summary judgment.)

T-Mobile agrees that the time between the dismissal of this case and the date of filing of further action or declaratory judgment concerning the '923 Patent will not count toward any potential laches defense, equitable estoppel defense, and time limitation on damages. Nothing in this agreement shall be construed to otherwise limit or affect any other defense or counterclaim T-Mobile may bring in any subsequent action related to the '923 patent.

Plaintiffs agree that this stipulation shall be binding on all successors-in-interest and assigns of the '923 patent. T-Mobile agrees that this stipulation shall be binding on all successors and assigns.

WHEREFORE, the parties respectfully request that the Court dismiss Plaintiffs' claims, without prejudice, pursuant to the foregoing Stipulation of Dismissal.

March 21, 2013

Respectfully submitted,

/s/ C. Vernon Lawson

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 21, 2013.

/s/ Anne Champion